

Members' Representations

†ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ (ಶ್ರವಣಬೆಳಗೊಳ).—ಸಭಾಪತಿಯವರೇ ನಾನೀಗ ತಮ್ಮ ಗಮನಕ್ಕೆ ಒಂದು ಬಹಳ ಪ್ರಾಮುಖ್ಯವಾದ ವಿಚಾರವನ್ನು ತರಬಯಸುತ್ತೇನೆ. ಅದೇನೆಂದರೆ ಕಳೆದ ಮೂರು ದಿನಗಳಿಂದಲೂ ಗೃಹ ಶಾಖಾ ಸಚಿವರು ಈ ಸಭೆಗಾಗಲೀ ಅಥವಾ ಮೇಲ್ಮನೆಗಾಗಲೀ ಬರುತ್ತಿಲ್ಲ. ಅವರು ರಾಜೀನಾಮೆ ಕೊಟ್ಟಿದ್ದಾರೆಂಬ ವರ್ತಮಾನ ಕೇಳುತ್ತಿದ್ದೇವೆ. ಆದರೆ ಅವರ ಗೈರುಹಾಜರಿಯಲ್ಲಿ ಆ ಖಾತೆಯನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಿರುವವರು ? ಈ ದಿವಸ ಈ ರಾಜ್ಯದಲ್ಲಿ ಗೃಹಶಾಖೆಯೆಂಬುದು ಒಂದು ಇವೆಯೋ—ಇಲ್ಲವೋ ಅನ್ನುವುದೇ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ ಈಗ ಈ ಸದನವು ನಡೆಯುತ್ತಿದ್ದಾಗಲೂ ಅವರು ಇಲ್ಲಗೂ ಬಾರದೇ ಮೇಲ್ಮನೆಗೂ ಬಾರದೆ ಇರುವುದರಿಂದ ಆ ಶಾಖೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಕೆಲಸಗಳೆಲ್ಲಾ ಸ್ಥಬ್ಧವಾಗಿರುತ್ತವೆ. ಈ ವಿಷಯದಲ್ಲಿ ನಮಗೆ ತಾವು ನೂಕು ತಿಳುವಳಿಕೆಯನ್ನು ಕೊಡಬೇಕಾಗಿ ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣ (ಮರ್ರೇಶ್ವರ).—ನನಗೆ ಕೂಡ ಈ ವಿಚಾರದಲ್ಲಿ ನೆನ್ನೆಯಿಂದ ಬಹಳ ಕಷ್ಟವಾಗಿದೆ. ಗೃಹಮಂತ್ರಿಗಳು ಇಲ್ಲವಿರುವ ಕಾರಣ ಆ ಹುಬ್ಬಳ್ಳಿಯಲ್ಲಿ ಕಾರ್ಮಿಕರ ವಿವಾದ ತೀರ್ಮಾನವಾಗದೆ ಹಾಗೇ ಉಳಿದಿದೆ. ಅವರು ಇನ್ನೊಂದು ದಿವಸ ಇದ್ದಿದ್ದರೆ ಅದು ತೀರ್ಮಾನವಾಗಬಹುದಾಗಿತ್ತು. ಅಷ್ಟರಲ್ಲೇ ಅವರು ರಾಜೀನಾಮೆ ಕೊಟ್ಟರು. ಅಷ್ಟೇ ಅಲ್ಲದೇ ಅವರು ತಮ್ಮ ಮನೆಯನ್ನು ಕೂಡ ಬಿಟ್ಟರೆಂದೂ ಆ ಬೋರ್ಡನ್ನೂ ಸಹಾ ತೆಗೆದುಹಾಕಲಾಗಿದೆ. ಜನರು ಏನೇನೋ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಈ ವಿಚಾರದಲ್ಲಿ ನಾವು ಏನು ಮಾಡಬೇಕೆಂಬುದೇ ಗೊತ್ತಾಗುವುದಿಲ್ಲ.

Mr. SPEAKER.—Whatever may be the feelings of Hon'ble Members, I cannot call upon anybody to do anything. If members address a question, then perhaps the matter may come up. Eliciting information with regard to the composition of the Government is not wrong. But I cannot permit a debate on this subject. I thought it was only a representation by one or two members.

Sri H. SIDDHAVEERAPPA (Harihar).—I want to make this representation to you. We are not requesting the Government to do this or that. In the interest of the State, it is a very important point which will have to be dealt with and you as the repository of all the dignity and responsibility of this State. I am making this request to you. We are not concerned whether his resignation is accepted or not. It appears in the Press that the Chief Minister has told in Delhi that he has been persuading Mr. Rama Rao to hold on to Office. This is a matter between themselves. We are not interested. We are eagerly awaiting the outcome of that. Now immediately I am interested in knowing as to which of these gentlemen here, is handling the portfolio of Home ? Suppose, some member has to contact him or write a letter to him on some matter relating to that portfolio or he wants to represent some matter, to whom he should send his representation and whom he should approach ? Is it the ex-Home Minister or anybody else ?

Sri S. R. BOMMAI (Kundgol).—On a point of order, Sir. As long as the resignation of the Home Minister Mr. Rama Rao is not accepted by the Governor, he continues as Home Minister. He cannot shirk his responsibilities. He is responsible to this House and he must come and answer questions and attend to all matters. Otherwise, he will have committed a breach of privilege of the House.

Mr. SPEAKER.—We are having ideas flowing across like heavy rain; point of order saying contempt, breach of privilege and the Speaker being called upon to do something which he cannot do, under the Rules.

The Hon'ble Member Sri Siddaveerappa said that he is looking to me and through me to the Government. The procedure in the House is always to address the Chair. To that extent he is right. But if he thinks that I have to furnish any information in regard to the composition of the Council of Ministers, resignation awaiting acceptance or other things, I do not think the Speaker should even if has any little discretion, talk about it or complicate matters by airing his views.

ಶ್ರೀ ಎಚ್. ಸಿದ್ದವೀರಪ್ಪ.—ಈಗ ನಾನು ಗೃಹ ಮಂತ್ರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಒಂದು ಕಾಗದವನ್ನು ಬರೆಯಬೇಕು. ಅದನ್ನು ನಾನು ಈಗ ಯಾರಿಗೆ ಬರೆಯಬೇಕು ?

Mr. SPEAKER.—That is exactly the point I was going to deal with. The Member says he finds it difficult to understand to whom he should address. There is a very simple answer: 'To the Minister'. He has taken Oath of Office. He has tendered resignation of his office, and it may be this resignation has to be accepted; It is not for me to say what the legal effect is. But certainly the office should not be presumed to be vacant. The Office continues. A letter can be addressed to the Minister and if no reply is forthcoming, then it will become a first class opportunity for taking up the matter. Members must confine their remarks merely to eliciting information and they must follow the rules. Not all kinds of representation on matters which arise, either contradicted, accepted or commented upon. I cannot be compelled and the House cannot be compelled to deal with a matter which is not in accordance with the rules. Beyond that, I am not going to take any part whatsoever in the matter. If any Minister wishes to say anything, he is at perfect liberty. I am not going to do something which is not in accordance with the rules. I am not going to compel anybody to say anything either. If they wish, they can.

Sri M. S. KRISHNAN.—Just as the hon. Member Mr. Siddaveerappa is not able to get reply to his letter, I am not able to get the order which is pending on the Table of the Minister. It is a very important order which can solve the problem facing a factory consisting of more than 1,500 employees. I do not know which Minister should be approached for settlement of that issue. I would like to know, who is the Minister in charge of Labour portfolio now—whether it is Mr. Jatti, or Mr. Devaraj Urs who was the former Labour Minister. Who is the Minister entitled to affix his signature to the settlement ?

ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ.—ಸ್ವಾಮೀ, ಇಲ್ಲಿ ನನಗೆ ಮೂರು ಕೋತಿಗಳ ಕಥೆ ನೆನಪಿಗೆ ಬರುತ್ತದೆ. ಆ ಕಥೆಯು ಮೂರು ಕೋತಿಗಳು ಬುದ್ಧಿ ಕಲಿತಂತೆ ಇಲ್ಲಿ ಮಂತ್ರಿಗಳಾಗಿರುವವರೂ ಕಲಿತುಕೊಂಡರೆ ವಾಸಿ. ಇದೇನು ಮೊಗಲರ ರಾಜ್ಯಭಾರವೇ ?

†Sri K. H. PATIL (Gadag).—As you are aware, many of the Members are submitting Questions—both starred and unstarred. They are pending for months together in the Office. The rule requires that the Government shall send a reply to starred questions within 15 days from the date of its receipt by the Government; failing which they will have to seek your permission to answer it at a later date. We were

(SRI K. H. PATIL)

given to understand that since a number of questions are coming up, it has been found very difficult to put all the Questions before the Assembly. Some sort of obligation is there so far as starred questions are concerned. But as regards unstarred questions there should be no difficulty in getting answers to them and placing them on the Table of the House. Rule 46 says:

“Questions for written answer and replies thereto shall be included in the printed proceedings of the Assembly on the day on which they are laid on the table of the Assembly:

Provided that replies to such questions shall not be unreasonably delayed.”

For months together, replies to these unstarred questions are also delayed. So far as unstarred questions are concerned, what is the quantum of delay that can be construed as ‘unreasonable.’ In the case of starred questions, if replies are not received within 15 days and thirty days, the delay becomes unreasonable. Some latitude may be shown in the case of starred questions because oral answers have to be given and the Minister answering should be alert and resourceful to answer all the supplementary questions arising out of the main question. That means, exhaustive information is necessary for starred questions. For unstarred questions, only written replies are furnished and even rules require that replies to them should not be unreasonably delayed. The maximum reasonable period for answering unstarred questions should be 15 days in the case of unstarred questions. These unstarred questions have not been answered for more than a month. A deliberate attempt is made to suppress answers to certain questions. We have become helpless in implementing the Rules of Procedure of the Assembly because the Government is not co-operating. We seek the protection of the Speaker and appeal to him to whip up the Ministers and compel them to answer questions in time and help this House in implementing its rules.

† Sri S. R. KANTHI (Minister for Law and Parliamentary Affairs).—The hon. Member has argued both for the Starred Questions and Unstarred Questions. Just yesterday, I looked into the position of the Starred Questions. There are at present 325 questions which have been sent by the Legislature Department for answers; out of which, except 80, more than 200 questions have already been replied and answers sent to the Legislature Secretary. Only 80 questions are still pending with the Government for sending replies; out of them, a large number have not crossed the period of 15 days. This being so, the hon. Member cannot say that there has been delay in sending answers to the questions. That is, so far as Starred Questions are concerned.

In respect of Unstarred Questions, it is not the intention of the Government to delay replies. As you are aware Sir, they naturally take

lot of time I also assure that I will look into this. If the hon. Member Mr. Siddaveerappa or Mr. Patil tells me what question has not been answered, I will certainly take action. There is no time limit so far as unstarred questions are concerned. If it is the intention of the hon'ble Member that they should be answered soon, they will be answered as early as possible. I will examine the position. I will try my level best. I will see as to how many unstarred questions remain to be answered by the Government and whether answer has been delayed.

Sri AZEEZ SAIT (Narasimharaja).—How many unstarred questions are there?

Sri S. R. KANTHI.—I will look into the matter and give answer.

Mr. SPEAKER.—A point was permitted to be raised and the hon. Minister has given the reply. In fact, the distinction between Starred and Unstarred question is very clear. Starred questions often contain information which has to be gathered by way of statistics, details and all that. It can be seen from the circumstances that the time limit normally for answering all important questions is reasonably construed to be more than 15 days. Questions are directed to be unstarred because unstarred questions require more time and, therefore, they are to be answered orally under the rules as they exist. I have no power to compel them to do it within 15 days. If there is any inordinate delay, I will try to see that Government does not act in any *mala fide* manner. Beyond that I cannot do anything.

Sri K. H. PATIL.—I may be permitted to bring to the notice of the Chair sub-rule (2) of Rule 46 which reads as follows:

“(2) Where a reply to a question for written answer is received when the Assembly is not in Session then the question together with answer will be laid on the Table of the House at its next Session.”

If I have given questions long before this Session, they could have given replies to them to me during this Session. We are not asking the hon. Ministers to give replies to questions given during this Session. But we are pressing, requesting and persuading them to give replies to questions which were given before this Session was prevailing.

Sri S. R. KANTHI.—I am going to comply with it.

Mr. SPEAKER.—The matter ends there. But Members must know that whenever a Session is prorogued, all questions lapse.

10.00 A.M.

Let us have things clear in our minds. There is no so much of demand for participating in the debate before the House.

ಶ್ರೀ ಅಜೀಫ್ ಸೇಟ್.—ನಮ್ಮನ್ನು ಕೇಳದೆಯೇ ತಾವು ೮ ರೀತಿ ಭಾವನೆಮಾಡಿ ಹೇಳಿದರೆ ಅದು ಅಗುವುದಿಲ್ಲ.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್ (ಚಿಕ್ಕಪೇಟೆ).—ಅಧ್ಯಕ್ಷರೇ, ಅಹಾರ ಮಂತ್ರಿಗಳ ಗಮನಕ್ಕೆ ಬಂದು ವಿಷಯವನ್ನು ತೆಗೆದುಕೊಂಡು ಬರಬೇಕೆಂದಿದ್ದೇನೆ. ಈಗ ನವಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಬೆಂಗಳೂರಿನ ಜನತೆಗೆ ಕೊಡಬೇಕಾದಂಥ ಪಡಿತರ ಅಕ್ಕಿಯನ್ನು ಇಲ್ಲಿಯವರೆಗೂ ಕೊಡದೆ ನಿಲ್ಲಿಸಿದ್ದಾರೆ. ಯಾವತ್ತು ನರ್ಕಾರದವರು ಜನತೆಗೆ ಪೂರ್ಣ ಪ್ರಮಾಣದಲ್ಲಿ ಕೊಡುತ್ತಾರೆ. ಈ ಪ್ರಶ್ನೆಯನ್ನು ಅನೇಕಸಾರಿ ಪ್ರಸ್ತಾಪಮಾಡುತ್ತಾ ಇದ್ದೇವೆ. ಆದರ ಬಗ್ಗೆ ಮಂತ್ರಿಗಳು ಉತ್ತರ ಹೇಳಲಿ.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ (ಅಹಾರ ಮತ್ತು ನಿತ್ಯೋಪಯೋಗಿ ಸರಬರಾಯಿ ಶಾಖೆಗಳ ಮಂತ್ರಿಗಳು).—ಮಾನ್ಯ ಸದಸ್ಯರು ಇಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಇನ್ನು ಇತರ ಕಡೆಯೂ ಕೆಲವರು ಹೇಳಿದ್ದಾರೆ. ಈಗ ಶೇಕಡ 50ರಷ್ಟು ಅಕ್ಕಿಯನ್ನು ಕೊಡುತ್ತಿದ್ದೇವೆ. ಶೇಕಡ 50ರಿಂದ ಶೇಕಡ 100ರಷ್ಟು ಪ್ರಮಾಣವನ್ನು 21ನೇ ತಾರೀಖಿನ ನಂತರ ಕೊಡುವ ನಿರ್ಣಯ ಮಾಡಿದ್ದೇವೆ. ಆ ರೀತಿಯಾಗಿ ಕೊಡುವ ಹಾಗೆ ವಿವರಿಸಿ ಮಾಡುತ್ತೇವೆ.

RULINGS FROM THE CHAIR

Mr. SPEAKER.—I have circulated to the members Rulings which are dictated. As I mentioned yesterday, there is no other purpose than to save time and therefore I will read the last sentence from every ruling and the rulings would be incorporated in the proceedings.

(The concluding portions of each ruling were read)

Re refusal of interview by the Chief Minister to Sri P. V. Aithala.

On 7th December 1967 the Hon. Member Sri P. V. Aithala raised a matter of privilege that the Chief Minister when he was in Mangalore did not grant him interview to make representation though it had been fixed by the Deputy Commissioner and that he was ignored and belittled by the Chief Minister in the presence of his political opponents; since he wanted to make representation only on behalf of his constituents he was prevented from discharging his duty, it amounted to a breach of privilege.

On the same day another Hon. Member Sri Sadashivappa Patil raised a matter of privilege that when the Chief Minister visited his constituency he went there as he had been invited by the local authorities but found the Chief Minister in the company of the defeated candidate and did not pay any attention to him and he was prevented from making representation as a member and therefore this amounted to a breach of privilege.

The question of parliamentary privilege has to be kept clear from courtesies or party alignments. Parliamentary privilege is uncontrolled by *bona fides* or *malafides*. A privilege is an exception to the normal rule. It is a special position afforded to the members of the Legislative; that privilege is called parliamentary privilege. It avails and exists only in the course of parliamentary work. Therefore the concept of parliamentary privilege is to see whether a member in the instant case functioned as a member in discharge of his duties. While considering the question as to whether the parliamentary privilege extends beyond